



General Assembly

**Substitute Bill No. 1046**

January Session, 2009

\* SB01046PH 032309 \*

**AN ACT CONCERNING RESTRICTED ACCESS TO PRESCRIPTION  
DRUG INFORMATION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2009*) (a) As used in this  
2 section:

3 (1) "Commercial purpose" includes, but is not limited to,  
4 advertising, marketing, promotion or any activity that could be used  
5 to: (A) Influence sales or the market share of a pharmaceutical product,  
6 (B) influence or evaluate the prescribing behavior of an individual  
7 health care provider, or (C) evaluate the effectiveness of a professional  
8 pharmaceutical detailing sales force; but does not include the use of  
9 prescriber identifiable data by a professional physician organization  
10 for the purpose of education and evaluation by individual members of  
11 such organization;

12 (2) "Health insurer" means any entity, including a managed care  
13 organization, that delivers, issues for delivery, renews or amends an  
14 individual or group health plan in this state;

15 (3) "Managed care organization" means an insurer, health care  
16 center, hospital, medical service corporation or other organization  
17 delivering, issuing for delivery, renewing or amending any individual  
18 or group health managed care plan in this state;

19       (4) "Pharmacy" means a place of business where drugs and devices  
20 may be sold at retail and for which a pharmacy license has been issued  
21 to an applicant under the provisions of section 20-594 of the general  
22 statutes, and includes a nonresident pharmacy, as defined in section  
23 20-627 of the general statutes; and

24       (5) "Pharmacy benefits manager" or "manager" means any person  
25 that administers the prescription drug, prescription device or  
26 pharmacist services portion of a health benefit plan on behalf of plan  
27 sponsors such as self-insured employers, insurance companies, labor  
28 unions and health care centers.

29       (b) No pharmacy benefits manager, pharmacy, health insurer or any  
30 employee or agent of such manager, pharmacy or insurer may transfer,  
31 sell or share, for any commercial purpose, prescription information if  
32 such information contains individually identifiable information  
33 regarding the patient or the prescribing practitioner.

34       (c) Nothing in subsection (b) of this section shall prohibit:

35       (1) The dispensing of prescription medications to a patient or to the  
36 patient's authorized representative;

37       (2) The transmission of prescription information between an  
38 authorized prescribing practitioner and a licensed pharmacy;

39       (3) The transfer of prescription information between licensed  
40 pharmacies;

41       (4) The transfer of prescription records that may occur as part of: (A)  
42 A consummated sale of a pharmacy to another person; (B) a  
43 consummated merger by the pharmacy with another person or entity;  
44 or (C) a transfer to a successor in interest;

45       (5) The transfer of information to a patient concerning: (A) The  
46 patient's health condition; (B) adherence to a prescribed course of  
47 therapy; (C) the drug being dispensed; (D) treatment options; or (E)  
48 clinical trials;

49 (6) The collection, use, transfer or sale of patient and prescribing  
50 practitioner nonidentifiable individual data on the basis of zip code,  
51 geographic region or medical specialty for commercial purposes;

52 (7) The transfer or sharing of prescription information for the  
53 purposes of obtaining health insurer reimbursement, formulary  
54 compliance, care management, utilization review by a health care  
55 provider or the patient's insurance provider or agent, health care  
56 research, or as otherwise provided by law, provided any person  
57 receiving such information pursuant to this subdivision shall not  
58 disclose such information except as authorized under this section; and

59 (8) The collection, use, transfer or sale of prescription records to a  
60 third party solely for the purpose of facilitating notice to patients or  
61 health care providers of a pharmaceutical recall or warning issued by  
62 the federal Food and Drug Administration; or for the purpose of  
63 assisting a prescribing practitioner with provider identified  
64 information only regarding such practitioner's prescribing history and  
65 nonidentifiable information regarding other practitioners' prescribing  
66 history.

67 (d) A violation of this section shall be deemed an unfair or deceptive  
68 act or practice under subsection (a) of section 42-110b of the general  
69 statutes.

70 (e) A violation of this section by a health insurer shall be deemed an  
71 unfair insurance practice under chapter 704 of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	New section

**PH** Joint Favorable Subst.